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10/723,675	11/26/2003	Charles Cameron Brackett	133630IT/YOD GEMS:0237	8884

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EXAMINER

PATEL, NIRAV B

ART UNIT

PAPER NUMBER

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/723,675

Applicant(s)

BRACKETT ET AL.

Examiner

Nirav Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the application filed on 11/26/2003.
2. Claims 1-28 are under examination.

### **Claim Objections**

3. Claims 3 and 4 are objected to because of the following informalities:

Claim 3 contains the phrase "the method of claim 3", which is treated as typographical error and the correct phrase should be "the method of claim 2".

Claim 4 contains similar typographic error as of claim 3.

Appropriate correction is required.

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 26 recites "A computer program for authentication and log-in to a system, comprising: at least one computer readable medium; and computer readable codes stored on the at least one medium for performing a biometric scan of the user with a wireless biometric device comprising a wireless proximity detection device coupled to a biometric device, comparing the biometric scan of the user to stored biometric data to

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authenticate the user, and authenticating the user". Claim 26 is merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, and such descriptive material alone doesn't impart functionality either to the data as so structured, or to the computer. Therefore, claim 26 recites non-statutory subject matter.

Claim 27 and 28 have limitation that are similar to those of claim 26, thus they are rejected with the same rationale applied against claim 26 above.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 9-12, 15-18, 20, 21, 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchida (US Patent No. 6,751,734).

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As per claim 1, Uchida discloses:

A method for authentication and log-in to a system, comprising: performing a biometric scan of a user with a wireless biometric device [Fig. 1, col. 7 lines 57-61] comprising a wireless proximity detection device coupled to a biometric device; comparing the biometric scan of the user to stored biometric data to authenticate the user; and authenticating the user [Fig. 1, col. 10 lines 1-6, col. 12 lines 15-18, col. 8 lines 66-67, col. 9 lines 1-8].

As per claim 2, the rejection of claim 1 is incorporated and Uchida discloses:

logging the user into the system [col. 11 lines 13-29].

As per claim 3, the rejection of claim 2 is incorporated and Uchida discloses:

sending a signal to the system from the wireless biometric device to log the user into the system [Fig. 1, col. 9 lines 60-67, col. 10 lines 1-6].

As per claim 4, the rejection of claim 3 is incorporated and Uchida discloses:

sending user identification information to a system interface antenna; and comparing the user identification information to an appropriate user database to log the user into the system [Fig. 1, co. 10 lines 7-15, col. 11 lines 58-64].

As per claim 5, the rejection of claim 1 is incorporated and Uchida discloses:

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the biometric scan comprises at least one of a thumbprint scan, a fingerprint scan, a handprint scan, a retinal scan, a voice recognition, and a facial recognition [Fig. 1].

As per claim 9, Uchida discloses:

A method of accessing a system, comprising: scanning a user with a wireless biometric device [Fig. 1, col. 8 lines 13-16]; recognizing biometric measurements of the user and authenticating the user to permit access by the user to the system [Fig. 1, col. 8 lines 58-67, col. 9 lines 1-8]; sending a wireless signal to a system device and communicating to the system user identification code [Fig. 1, col. 10 lines 1-6]; and logging the user into the system based on the user identification code [Fig. 1, col. 11 lines 21-30, 62-64].

As per claim 10, the rejection of claim 9 is incorporated and Uchida discloses:

the system device is an antenna configured to receive a wireless signal [Fig. 1, col. 10 lines 7-9].

As per claim 11, the rejection of claim 9 is incorporated and Uchida discloses:

comparing the user identification code to stored identification code data to log the user into the system [Fig. 1, col. 11 lines 21-30, 62-64].

As per claim 12, the rejection of claim 9 is incorporated and Uchida discloses:

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the biometric device utilizes at least one of a thumbprint scan, a fingerprint scan, a handprint scan, a retinal scan, a voice recognition, and a facial recognition [Fig. 1].

As per claim 15, Uchida discloses:

A method of logging into a system, comprising: activating a proximity detection device by satisfying a required biometric measurement [Fig. 1, col. 9 lines 32-37, col. 11 lines 15-23, col. 12 lines 15-18]; receiving user identification data from the proximity detection device to the system via a wireless connection; and logging a user into the system [Fig. 1, col. 10 lines 7-25].

As per claim 16, the rejection of claim 15 is incorporated and Uchida discloses:

a user is scanned with a biometric device integrated with the wireless proximity detection device to activate the wireless proximity detection device [Fig. 1, col. 12-15, col. 9 lines 32-37, col. 12 lines 15-17].

As per claim 17, the rejection of claim 16 is incorporated and Uchida discloses:

biometric measurements of the user are compared to stored measurement data to authenticate the user, to satisfy the required biometric measurement, and to activate the wireless proximity detection device [Fig. 1, col. 8 lines 58-67, col. 9 lines 1-8, 32-37].

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As per claim 18, the rejection of claim 16 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 20, Uchida discloses:

An authentication and log-in system for accessing a secured system, comprising: a wireless biometric device comprising a wireless proximity detection pin coupled to a biometric device [Fig. 1, col. 10 lines 1-6, col. 12 lines 15-17]; a sensor disposed in the biometric device for performing a biometric measurement of a user [Fig. 1, col. 8 lines 13-15]; a processing module disposed within the wireless biometric device for conducting the biometric measurement of a user [col. 8 lines 58-65], authenticating the user, and transmitting a wireless communication of authenticated user identification code to the secured system [col. 8 lines 66-67, col. 9 lines 1-8, 32-37, Fig. 1]; a device disposed in the secured system for receiving the authenticated user identification code; and a log-in module disposed within the secured system for comparing authenticated user identification code to stored identification code and for logging the user into the secured system [Fig. 1, col. 11 lines 21-30, 62-64].

As per claim 21, the rejection of claim 20 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.



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As per claim 23, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 24, it encompasses limitations that are similar to limitations of claim 9.

Thus, it is rejected with the same rationale applied against claim 9 above.

As per claim 25, it encompasses limitations that are similar to limitations of claim 15.

Thus, it is rejected with the same rationale applied against claim 15 above.

As per claim 26, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 27, it encompasses limitations that are similar to limitations of claim 9.

Thus, it is rejected with the same rationale applied against claim 9 above.

As per claim 28, it encompasses limitations that are similar to limitations of claim 15.

Thus, it is rejected with the same rationale applied against claim 15 above.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 13, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US Patent No. 6,751,734) and in view of Wong et al (US Patent No. 6,260,021).

As per claim 6, the rejection of claim 1 is incorporated and Uchida discloses authenticating and log-in the system [Fig. 1]. Uchida doesn't expressively mention a picture and archival communication system (PACS).

Wong teaches: a system is a picture and archival communication system and an interface of the system is PACS workstation [Fig. 1 or 2]. Further, Wong teaches the authorization process for providing the user access to the system [Fig. 4].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wong with Uchida, since one would have been motivated to enable the uniform access to and ready distribution of medical images and associated records [Wong, col. 1 lines 8-9] and provide an authentication mechanism with high security, free from a trouble of remembering a password [Uchida, col. 2 lines 11-14].

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As per claim 13, the rejection of claim 9 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

As per claim 19, the rejection of claim 15 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

As per claim 22, the rejection of claim 20 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

7. Claims 7, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US Patent No. 6,751,734) and in view of Kuth (US Patent No. 6,684,093).

As per claim 7, the rejection of claim 1 is incorporated and Uchida discloses authenticating and log-in the system [Fig. 1]. Uchida doesn't expressively mention a medical modality system.

Kuth teaches: the system is a medical modality system and the interface of the system is an operator interface of the medical modality system [Fig. 1].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kuth with Uchida, since one would have been

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motivated to prevent the incorrect assignment of the data [Kuth, col. 1 lines 19-22] and provide an authentication mechanism with high security, free from a trouble of remembering a password [Uchida, col. 2 lines 11-14].

As per claim 8, the rejection of claim 1 is incorporated and Kuth teaches the medial modality system is an imaging system [Fig. 1].

As per claim 14, the rejection of claim 9 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamid et al (US 6877097) --- Security access method and apparatus.

Elias et al (US 7003316) --- System and method for wireless transactions.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*NBP*

4/10/07

  
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